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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	2:15-CR-056-RFB
)	
JOSEPH SYLVANUS D'ELIA, JR.,)	
)	
Defendant.)	

PRELIMINARY ORDER OF FORFEITURE

This Court finds that defendant JOSEPH SYLVANUS D'ELIA, JR., pled guilty to Count One of a Three-Count Criminal Indictment charging him in Count One with Receipt of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(2). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds defendant JOSEPH SYLVANUS D'ELIA, JR., agreed to the forfeiture of the property set forth in the Plea Agreement, the Amended Bill of Particulars, and the Forfeiture Allegations of the Criminal Indictment. Criminal Indictment, ECF No. 1; Amended Bill of Particulars, ECF No. 26; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement, the Amended Bill of Particulars, and the Forfeiture Allegations of the Criminal Indictment and the offense to which defendant JOSEPH SYLVANUS D'ELIA, JR., pled guilty.

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1 The following assets are any visual depiction described in Title 18, United States Code,
 2 Section 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any
 3 such visual depiction, which was produced, transported, mailed, shipped or received in violation of
 4 Title 18, United States Code, Section 2252A(a)(2), or any property, real or personal, used or intended
 5 to be used to commit or to promote the commission of a violation of Title 18, United States Code,
 6 Section 2252A(a)(2), or any property traceable to such property and are subject to forfeiture pursuant
 7 to Title 18, United States Code, Section 2253(a)(1) and 2253(a)(3):

- 8 a. Western Digital external 2TB hard drive, SN WMAUR0541655;
- 9 b. Western Digital external 1TB hard drive, SN WXA0AC9V2788;
- 10 c. Seagate Free Agent Go external 500GB hard drive, SN 2GE1KU40;
- 11 d. PNY Attache 8GB thumb drive, SN unknown;
- 12 e. ASUS 1005PE laptop, SN 9BOAAS448598;
- 13 f. 2 GB SD card from Palm Pilot, SN unknown;
- 14 g. Mac Mini computer, SN C07FT0QQDD6L;
- 15 h. Palm Pilot, SN PN70U597V22V;
- 16 i. Apple iPad, SN DN6FL6UHDFJ3;
- 17 j. Apple iPhone Model A1332, FCC ID: BCG-E2380B, IC ID: 579C-E2380B, SN
 18 unknown; and
- 19 k. Apple iPhone 3GS Model A1303, FCC ID: BCG-A1303B, IC ID: 579C-A1303B,
 20 SN unknown

21 (all of which constitutes "property").

22 This Court finds the United States of America is now entitled to, and should, reduce the
 23 aforementioned property to the possession of the United States of America.

24 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
 25 United States of America should seize the aforementioned property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
2 JOSEPH SYLVANUS D'ELIA, JR., in the aforementioned property is forfeited and is vested in the
3 United States of America and shall be safely held by the United States of America until further order
4 of the Court.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
6 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
7 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
8 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
9 name and contact information for the government attorney to be served with the petition, pursuant to
10 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
12 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
13 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
14 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
15 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
16 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
17 petition and the relief sought.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
19 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than
20 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
21 after the first day of the publication on the official internet government forfeiture site,
22 www.forfeiture.gov.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
24 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
25 following address at the time of filing:

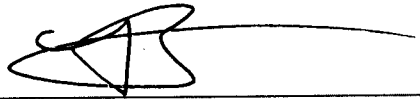
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1 Daniel D. Hollingsworth
2 Assistant United States Attorney
3 Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
5 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
6 following publication of notice of seizure and intent to administratively forfeit the above-described
7 property.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of
9 this Order to all counsel of record.

10 DATED this 4 day of April, 2016.

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14 UNITED STATES DISTRICT JUDGE
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